

Application No. 10/047,545
Supplemental Amendment dated December 4, 2007
Reply to Office Action of April 4, 2007

REMARKS

Applicant cancelled claims 169-194, 219 and 220, and amended claims 154, 162, and 195 to further define Applicant's invention.

In the Office Action, the Examiner rejected independent claims 219 and 220 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,683,463 to Godefroy et al. ("Godefroy") in view of U.S. Patent No. 4,878,915 to Brantigan ("Brantigan '915"). Given the cancellation of independent claims 219 and 220, Applicant submits that the Examiner's rejection thereof is now moot.

In addition, independent claim 154 has been amended to recite an interbody spinal fusion implant having a body with a leading end, a trailing end, opposed arcuate portions, and "at least one truncated side extending between said opposed arcuate portions and between said leading and trailing ends."

Additionally, independent claim 195 has been amended to recite an interbody spinal fusion implant having a body with a leading end, a trailing end, and opposed arcuate portions, and having "a thread adapted to engage said implant to the adjacent vertebral bodies, said thread having a thread height measured from said body, said thread height varying along more than one turn of said thread."

Applicant submits that amended independent claims 154 and 195 remain in condition for allowance. Accordingly, Applicant submits that amended independent claims 154 and 195, and new independent claim 221 are patentable, and that dependent claims 155-166, 168, and 196-218 dependent from independent claims 154 and 195, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including

Application No. 10/047,545
Supplemental Amendment dated December 4, 2007
Reply to Office Action of April 4, 2007

any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: December 4, 2007

By: 

Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030